

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

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Short Title: 911 Board Proposed Changes.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED
AN ACT TO AMEND THE STATUTES GOVERNING EMERGENCY TELEPHONE
SERVICE AS RECOMMENDED BY THE 911BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 62A-40 reads as rewritten:

"§ 62A-40. Definitions.

The following definitions apply in this Article.

...

(5) Call taking. – The act of processing a 911 call for emergency assistance ~~up to the point that the call is ready for dispatch~~, by a primary PSAP including the use of 911 system equipment, call classification, location of a caller, ~~and~~ determination of the appropriate response level for emergency ~~responders~~, responders, and dispatching a 911 call information to the appropriate responder.

...

(8a) Dispatch. – The broadcast, transfer, or other re-transmittal of emergency call information by a primary PSAP to responders excluding the equipment or services required for responders to receive information and the equipment to used by responders to intercommunicate among themselves.

(9) Enhanced 911 service. – Directing a 911 call to an appropriate PSAP by selective routing or other means based on the geographical location from which the call originated and providing information defining the approximate geographic location and the telephone number of a 911 caller, in accordance with the FCC Order.

..."

SECTION 2. G.S. 62A-42 reads as rewritten:

"§ 62A-42. Powers and duties of the 911 Board.

(a) Duties. – The 911 Board has the following powers and duties:

...

(4) To establish ~~policies and procedures~~ policies, procedures, and primary PSAP operating standards, to fund advisory services and training for PSAPs and to provide funds in accordance with these ~~policies and procedures~~ policies, procedures, and standards for PSAP operations.

(5) To investigate the revenues and expenditures associated with the operation of a PSAP to ensure compliance with restrictions on the use of amounts distributed from the 911 Fund. The Board must collect PSAP expenditure data and adjust the base amount as required by G.S. 46(a)(1).

(6) To make and enter into contracts and agreements necessary or incidental to the performance of its powers and duties under this Article and to use revenue available to the 911 Board under G.S. 62A-44 for administrative expenses to pay its obligations under the contracts and agreements. The Board may use funds available to the Board under G.S. 62A-47 to pay its obligations incurred for statewide 911 Projects.

...

(9) To adopt rules to implement this Article. This authority does not include the regulation of any enhanced 911 service, such as the establishment of technical ~~standards~~ standards for telecommunications service providers to deliver 911 voice and data.

(10) To take other necessary and proper action to implement the provisions of this Article.

(b) Prohibition. – In no event shall the 911 Board or any other State agency lease, construct, operate, or own a communications network for the purpose of providing 911 service. The 911 Board may pay private sector vendors for provisioning a network for the purpose of providing 911 service."

SECTION 3. G.S. 62A-44(b) reads as rewritten:

"(b) Allocation of Revenues. – The percentage of the funds remitted under G.S. 62A-43 which ~~The~~ the 911 Board may deduct and retain for its administrative expenses is initially set at one percent (1%) of the total service charges collected. The 911 Board must monitor the amount of funds required to meet its financial commitment to providing technical assistance to primary PSAPs and may, if costs warrant, adjust the percentage up to two percent (2%). ~~up to one percent (1%) of the total service charges remitted to it under G.S. 62A-43 for deposit in the 911 Fund.~~ The remaining revenues remitted to the 911 Board for deposit in the 911 Fund are allocated as follows:

..."

SECTION 4. G.S. 62A-45(c) reads as rewritten:

"(c) Grant Reallocation. – If the amount of reimbursements to CMRS providers by the 911 Board for a fiscal year is less than the amount of funds allocated for reimbursements to CMRS providers for that fiscal year, the 911 Board may reallocate part ~~or all~~ of the excess amount to the PSAP Grant and 911 Statewide Projects Account established under G.S. 62A-47. The 911 Board may reallocate funds under this subsection only once each calendar year and may do so only within the three-month period that follows the end of the fiscal year. If the 911 Board reallocates more than a total of three million dollars (\$3,000,000) to the PSAP Grant and 911 Statewide Projects Account in a calendar year, it must consider reducing the amount of the service charge in G.S. 62A-44 to reflect more accurately the underlying costs of providing 911 system services.

The 911 Board must make the following findings before it reallocates funds to the PSAP Grant and 911 Statewide Projects Account:

(1) There is a critical need for additional funding for PSAPs in rural or high-cost areas to ensure that enhanced 911 service is deployed throughout the State.

(2) The reallocation will not impair cost recovery by CMRS providers.

(3) The reallocation will not result in the insolvency of the 911 Fund."

SECTION 5. G.S. 62A-46 reads as rewritten:

§ 62A-46. Fund distribution to PSAPs.

(a) Monthly Distribution. – The 911 Board must make monthly distributions to primary PSAPs from the amount allocated to the 911 Fund for PSAPs. A PSAP is not eligible for a distribution under this subdivision unless it provides enhanced 911 service. The amount to be distributed to each primary PSAP is the sum of the following:

(1) The PSAP's base amount. – The PSAP's base amount is the amount of eligible non-capital expenditures reported to the 911 Board by the PSAP received infor the fiscal year ending June 30, 2007,2009, and deposited in the Emergency Telephone System Fund of its local governing entity, as reported to the State Treasurer's Office, Local Government Division. The Board must collect PSAP expenditure data and adjust the base amount under this subdivision annually in each of the succeeding two fiscal years, and not less than biennially thereafter. The base amount may be adjusted by the Board to include additional operating expenses of the PSAP in future fiscal years.

(2) The PSAP's ~~per capita amount~~additional distributions. – ~~The PSAP's per capita amount is the PSAP's per capita share of the amount designated by the Board under subsection (b) of this section for the per capita distribution. The 911 Board must use the most recent population estimates certified by the State Budget Officer in making the per capita distribution under this subdivision. A PSAP is not eligible for a distribution under this subdivision unless it provides enhanced 911 service. A PSAP may request additional distributions for operating and capital expenditures in addition to its base amount at any time. The distributions must be approved and completed promptly. A PSAP requesting an additional distribution must comply with all of the following:~~

- a. Provide information and documentation satisfactory to the Board.
- b. Identify the eligible expense item and whether the expenditures are capital or operating expenses
- c. The amounts and allocations from its existing Emergency Telephone Fund.
- d. How the expenditures comply with the rules, standards, and procedures established by the Board.

(b) ~~Percentage Designations~~Remaining Funds. – The 911 Board must determine how revenue that is allocated to the 911 Fund for distribution to primary PSAPs and is not needed to make the ~~base amount distribution~~distributions required by subdivision subsection (a) (a)(1) of this section is to be used. The 911 Board must designate a percentage of allocate the remaining funds to be distributed to primary PSAPs on a per capita basis and a percentage to be allocated to the PSAP Grant and Statewide 911 Projects Account established in G.S. 62A-47. If the 911 Board does not designate an amount to be allocatedallocate the remaining funds to the PSAP Grant and Statewide 911 Projects Account, the 911 Board must distribute all of the remaining funds to eligible PSAPs on a per capita basis. The 911 Board must use the most recent population estimates certified by the State Budget Officer in making the per capita distribution under this subdivision. The 911 Board may not change the percentage designation more than once each fiscal year.

...

(e) Compliance. – A PSAP, or the governing entity of a PSAP, must comply with all of the following in order to receive a distribution under this section:

...

(2) A participating PSAP must annually submit to the 911 Board a copy of its governing agency's proposed or approved budget detailing the revenues and expenditures associated with the operation of the PSAP. The PSAP budget

must identify revenues and expenditures for eligible expense reimbursements as provided in this Article and rules adopted by the 911 Board. All distributions from the 911 Fund must be deposited in the Emergency Telephone System Fund of the local governing entity, and reported to the Local Government Commission of the State's Treasurer's Office.

...

(5) A PSAP must comply with the rules, policies, procedures, and primary PSAP operating standards established by the Board."

..."

SECTION 6.(a) G.S. 62A-46(c) reads as rewritten:

"(c) Use of Funds. – A PSAP that receives a distribution from the 911 Fund may not use the amount received to pay for the lease or purchase of real estate, cosmetic remodeling of emergency dispatch centers, hiring or compensating telecommunicators, or the purchase of mobile communications vehicles, ambulances, fire engines, or other emergency vehicles. Distributions received by a PSAP may be used only to pay for the following:

- (1) The lease, purchase, or maintenance of emergency telephone equipment, including necessary computer hardware, software, and database provisioning, addressing, telecommunicator furniture, and nonrecurring costs of establishing a 911 system.
- (2) Expenditures for in-State training of 911 personnel regarding the maintenance and operation of the 911 system. Allowable training expenses include the cost of transportation, ~~lodging, instructor fees, trainee instructors,~~ certifications, improvement programs, quality assurance training, and training associated with call taking, and emergency medical, fire, or law enforcement ~~procedures-procedures,~~ and training specific to managing a primary PSAP or supervising primary PSAP staff. Training outside the State is not an eligible expenditure unless the training is unavailable in the State or the PSAP documents that the training costs are less if received out-of-state. Training specific to the receipt of 911 calls is allowed only for intake and related call taking quality assurance and improvement. Instructor certification costs and course required prerequisites, including physicals, psychological exams, and drug testing, are not allowable expenditures.

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SECTION 7.(a) G.S. 62A-46 is amended by adding a new subsection (c1) to read:

"(c1) Radio Communications Equipment. – After the expenditures under subsection (c) are made, a PSAP that satisfies the operating standards established by the Board may use any remaining distributions for the lease, purchase, or maintenance of radio communications equipment including necessary hardware and software. A PSAP that receives a distribution from the 911 Fund may not use the amount received to pay for the cost of communication devices used by emergency responders, or for base station transmitters, towers, microwave links and antennae used to dispatch emergency calls from the PSAP."

SECTION 7.(b) This section is effective July 1, 2011.

SECTION 8. G.S. 62A-47 reads as rewritten:

§ 62A-47. PSAP Grant and Statewide 911 Projects Account.

(a) Account Established. – A PSAP Grant and Statewide 911 Projects Account is established within the 911 Fund for the purpose of making grants to PSAPs in rural and other high-cost ~~areas.~~ areas and funding projects that provide statewide benefits for 911 service. The

Account consists of revenue allocated by the 911 Board under G.S. 62A-45(c) and G.S. 62A-46.

(b) Grant Application. – A PSAP may apply to the 911 Board for a grant from the ~~PSAP Grant~~ Account. An application must be submitted in the manner prescribed by the 911 Board. The 911 Board may approve a grant application and enter into a grant agreement with a PSAP if it determines all of the following:

- (1) The costs estimated in the application are reasonable and have been or will be incurred for the purpose of promoting a cost-effective and efficient 911 system.
- (2) The expenses to be incurred by the applicant are consistent with the 911 State Plan.
- (3) There are sufficient funds available in the fiscal year in which the grant funds will be distributed.
- (4) The costs are authorized PSAP costs under ~~G.S. 62A-46(e)~~ G.S. 62A-46(c) or (c1).

(c) Grant Agreement. – A grant agreement between the 911 Board and a PSAP must include the purpose of the grant, the time frame for implementing the project or program funded by the grant, the amount of the grant, and a provision for repaying grant funds if the PSAP fails to comply with any of the terms of the grant. The amount of the grant may vary among grantees. If the grant is intended to promote the deployment of enhanced 911 service in a rural area of the State, the grant agreement must specify how the funds will assist with this goal. The 911 Board must publish one or more notices each fiscal year advertising the availability of grants from the PSAP Grant Account and detailing the application process, including the deadline for submitting applications, any required documents specifying costs, either incurred or anticipated, and evidence demonstrating the need for the grant. Any grant funds awarded to PSAPs under this section are in addition to any funds reimbursed under G.S. 62A-46.

(d) Statewide 911 Projects. – The Board may use funds from the Account for statewide projects if the Board determines the project meets all of the following requirements:

- (1) The project is consistent with the 911 plan.
- (2) The project is cost effective and efficient when compared to with the aggregated costs incurred by primary PSAPs.
- (3) The project is an eligible expense under G.S. 62A-46(c) or (c1).
- (4) The project will have statewide benefit for 911 service."

SECTION 9. For the Fiscal year beginning July 1, 2010 and ending June 30, 2011, PSAPs that have received distributions from the 911 Fund may use any remaining distributions from the 911 Board remaining the PSAPs Emergency Telephone System Fund to pay for no more than twenty-five percent (25%) of the cost of certain radio communications equipment used to dispatch emergency call information from the PSAP. The expenditures must be made in fiscal years beginning in 2010 or 2011. All expenditures must be reported to the 911 Board and approved by the 911 Board. Radio communications devices used by emergency responders are not an eligible expense. Eligible expenses are:

- (a) Base station transmitters.
- (b) Towers.
- (c) Microwave links.
- (d) Antennae.

SECTION 10. For fiscal year 2010, the 911 Board may allow one-time grants for the non-eligible expenses for consolidating one or more primary PSAPs and the relocation costs of primary PSAPs. The costs may include construction costs. The expenditures for consolidation must be made in fiscal years beginning in 2010 and 2011. All expenditures must be reported to the 911 Board and approved by the 911 Board.

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SECTION 11. Except as otherwise provided, this act is effective July 1, 2010.